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10/089,405	07/17/2002	Serge Haumont	060258-0290791	5242
909 7590 12/01/2009 PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102				
EXAMINER				
SING, SIMON P				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/089,405

**Applicant(s)**

HAUMONT, SERGE

**Examiner**

SIMON SING

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 July 0200.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 33-37 and 39-72 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-37, 39-50, 52-57 and 72 is/are allowed.
- 6) ☒ Claim(s) 51 and 58-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 51 and 58-71 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanson, US 6,208,851.

1.1 Regarding claim 51, Hanson discloses a method of determining services accessible via a subscription having an account (i.e. a prepay account) and at least a predetermined first limit (i.e. minimum balance making calls and roaming) in a communication system (i.e. prepay telecommunications system) (Fig. 1-3; Fig. 5) (col. 5, lines 33-37; col. 6, line 30 - col. 7, line 41), the method comprising:

maintaining definitions of at least a first set of services (i.e. prepay call service, including regular voice calls, roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls) to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services (emergency 911 calls and customer service

calls) being a subset of the first set of services and comprising services which are not charged from the subscriber (col. 5, lines 29-41; col. 7, lines 6-41);

comparing a balance of the account with the first limit (col. 5, lines 29-41; col. 7, lines 6-11);

deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (col. 5, lines 29-41; col. 7, lines 6-11);

using the first set of services when the balance of the account does not reach the first limit; and

using the second set of services when the balance reaches the first limit (col. 5, lines 29-41; col. 7, lines 6-41).

1.2 Regarding claim 58, Hanson discloses an apparatus (Fig. 2, prepay wireless platform 50) (col. 4, lines 17-34) configured to:

determine services accessible via a subscription having an account (i.e. a prepay account) and at least a predetermined first limit (i.e. minimum balance required for regular voice calls and roaming) (col. 5, lines 29-41; col. 7, lines 6-41) in a communication system (i.e. prepay telecommunications system) (Fig. 1-3; Fig. 5) (col. 4, lines 17-34; col. 6, line 30 - col. 7, line 41);

maintain definitions of at least a first set of services (i.e. prepay call service, including regular voice calls, roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls) to be used

with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber (emergency 911 calls and customer service calls) (col. 2, lines 22-38; col. 5, lines 29-41; col. 7, lines 6-11);

compare a balance of the account with the first limit (i.e. minimum balance required for the regular voice calls and roaming) (col. 5, lines 29-41; col. 7, lines 6-11);

decide on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (col. 5, lines 29-41; col. 7, lines 6-11);

use the first set of services when the balance of the account does not reach the first limit; and

use the second set of services when the balance reaches the first limit (col. 5, lines 29-41; col. 7, lines 6-41).

1.3 Regarding claim 59, Hanson discloses a processor (Fig. 2, wireless platform 50) (col. 4, lines 17- 34) configured to:

determine services accessible via a subscription having an account (i.e. a prepay account) and at least a predetermined first limit (i.e. minimum balance required for regular voice calls and roaming) (col. 5, lines 29-41; col. 7, lines 6-41) in a communication system (i.e. prepay telecommunications system) (Fig. 1-3; Fig. 5) (col. 4, lines 17-34; col. 6, line 30 - col. 7, line 41);

maintain definitions of at least a first set of services (i.e. prepay call service, including regular voice calls, roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls) to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber (emergency 911 calls and customer service calls) (col. 2, lines 22-38; col. 5, lines 29-41; col. 7, lines 6-11);

compare a balance of the account with the first limit (i.e. minimum balance required for regular voice calls and roaming) (col. 5, lines 29-41; col. 7, lines 6-11);

decide on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (col. 5, lines 29-41; col. 7, lines 6-11);

use the first set of services when the balance of the account does not reach the first limit; and

use the second set of services when the balance reaches the first limit (col. 5, lines 29-41; col. 7, lines 6-41).

1.4 Regarding claim 60, Hanson discloses a computer readable medium encoding a computer program of instructions for executing a computer process (Fig. 2, prepay wireless platform 50) (col. 4, lines 17- 34; col. 6, line 30 - col. 7, line 41) comprising:

determining services accessible via a subscription having an account (i.e. a prepay account) and at least a predetermined first limit (i.e. minimum balance required

for regular voice calls and roaming) in a communication system (i.e. prepay telecommunications system) (Fig. 1-3; Fig. 5) (col. 5, lines 33-37; col. 7, lines 6-41),;

maintaining definitions of at least a first set of services (i.e. prepay call service, including regular voice calls, roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls) to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services (emergency 911 calls and customer service calls) being a subset of the first set of services and comprising services which are not charged from the subscriber (col. 5, lines 29-41; col. 7, lines 6-41);

comparing the balance of the account (i.e. account balance of roaming caller) with the first limit (col. 5, lines 29-41; col. 7, lines 6-11);

deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (col. 5, lines 29-41; col. 7, lines 6-11);

using the first set of services when the balance of the account does not reach the first limit; and

using the second set of services when the balance reaches the first limit (col. 5, lines 29-41; col. 7, lines 6- 41).

1.5 Regarding claim 61, Hanson discloses an apparatus (Fig. 2, prepay wireless platform 50) (col. 4, lines 17- 34; col. 6, line 30 - col. 7, line 41) comprising:

means for determining services accessible via a subscription having an account (i.e. a prepaid account) and at least a predetermined first limit (i.e. minimum balance required for regular voice calls and roaming) in a communication system (i.e. prepaid telecommunications system) (Fig. 1-3; Fig. 5) (col. 5, lines 33-37; col. 7, lines 6-41);

means for maintaining definitions of at least a first set of services (i.e. prepaid call service, including regular voice calls, roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls) to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services (emergency 911 calls and customer service calls) being a subset of the first set of services and comprising services which are not charged from the subscriber (col. 5, lines 29-41; col. 7, lines 6-41);

means for comparing a balance of the account with the first limit (col. 5, lines 29-41; col. 7, lines 6-11);

means for deciding on the basis of the comparison, which set of services, among said at least the first set of services and the second set of services, can be used (col. 5, lines 29-41; col. 7, lines 6-11);

means for using the first set of services when the balance of the account does not reach the first limit; and

means for using the second set of services when the balance reaches the first limit (col. 5, lines 29-41; col. 7, lines 6-41).

1.6 Regarding claim 62, (Hanson: col. 5, lines 39-41; col. 7, lines 25-41).



1.7 Regarding claim 63, a method as claimed in claim 51, Hanson comprising:

communicating with an apparatus (home prepay wireless platform 50) in a communication system maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 4, lines 17-34; col. 5, lines 29-41; col. 6, line 30 - col. 7, line 41);

directing, when the balance reaches the first limit, the apparatus to set the second set of services as the allowed set of services and in response to the balance not any more reaching the first limit after reaching the first limit, directing the apparatus to set the first set of services as the allowed set of services (col. 4, lines 59-67; col. 7, lines 8-11).

1.8 Regarding claims 64, Regarding claim 64, (Hanson: col. 5, lines 39-41; col. 7, lines 25-41).

1.9 Regarding claim 65, Hanson discloses an apparatus according to claim 58 configured to:

communicate with a second apparatus (home prepay wireless platform 50) in a communication system maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 4, lines 17-34; col. 6, line 30 - col. 7, line 41);

direct, when the balance reaches the first limit, the second apparatus to set the second set of services as the allowed set of services and in response to the balance not any more reaching the first limit after reaching the first limit, direct the second apparatus to set the first set of services as the allowed set of services (col. 4, lines 59-67; col. 7, lines 8-11).

1.10 Regarding claim 66, (Hanson: col. 5, lines 39-41; col. 7, lines 25-41).

1.11 Regarding claim 67, Hanson discloses a processor according to claim 59 configured to:

communicate with a second apparatus (home prepay wireless platform 50) in a communication system maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 5, lines 29-41; col. 4, lines 17-34);

direct, when the balance reaches the first limit, the second apparatus to set the second set of services as the allowed set of services and in response to the balance not any more reaching the first limit after reaching the first limit, direct the second apparatus to set the first set of services as the allowed set of services (col. 4, lines 59-67; col. 7, lines 8-11).

1.12 Regarding claim 68, (Hanson: col. 5, lines 39-41; col. 7, lines 25-41).

1.13 Regarding claim 69, Hanson discloses a computer readable medium according to claim 60, wherein the computer process further comprises:

communicating with an apparatus (home prepaid wireless platform 50) in a communication system maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 5, lines 29-41; col. 4, lines 17-34);

directing, when the balance reaches the first limit, the apparatus to set the second set of services as the allowed set of services and in response to the balance not any more reaching the first limit after reaching the first limit, directing the apparatus to set the first set of services as the allowed set of services (col. 4, lines 59-67; col. 7, lines 8-11).

1.14 Regarding claim 70, (Hanson: col. 5, lines 39-41; col. 7, lines 25-41).

1.15 Regarding claim 71, Hanson discloses an apparatus according to claim 61 comprising:

means for communicating with a second apparatus (home prepaid wireless platform 50) in a communication system maintaining subscription information including at least an indication indicating an allowed set of services for the subscription (col. 5, lines 29-41; col. 4, lines 17-34);

means for directing, when the balance reaches the first limit, the second apparatus to set the second set of services as the allowed set of services and in

response to the balance not any more reaching the first limit after reaching the first limit, means for directing the second apparatus to set the first set of services as the allowed set of services (col. 4, lines 59-67; col. 7, lines 8-11).

***Allowable Subject Matter***

2. Claims 33-37, 39-50, 52-57 and 72 are allowed.

The following is an examiner's statement of reasons for allowance: Applicant's arguments in the Remarks filed on 07/27/2009 in view of the amended claims are persuasive, and it is agreed that the prior does not teach the now amended limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

3. Applicant's arguments filed on 07/27/2009 regarding claims 51 and 58-71 have been fully considered but they are not persuasive.

Applicant argues that Hanson does not teach a first set of services and a second set of service, the second set of services being a subset of the first set of services, and deciding which set of services to be allowed when a balance reached a first limit.

Examiner respectfully disagrees. As stated in the rejection above, Hanson teaches a first set of services (i.e. prepay call service, including regular voice calls,

roaming, 911 calls and customer service calls) and a second set of services (emergency 911 calls and customer service calls), wherein the second set of service is a subset of the first set of services and is free of charge, and deciding which set of services is allowed based on whether a subscriber's account has sufficient funds (col. 5, lines 29-41; column 7, lines 6-41).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

/Simon Sing/

Primary Examiner, Art Unit 2614